

ASSEMBLY BILL

No. 898

Introduced by Assembly Member Gonzalez

February 26, 2015

An act to amend Section 204 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 898, as introduced, Gonzalez. Employee wages.

Existing law requires that employers pay wages to their employees, twice per calendar month, on days designated in advance as regular paydays. However, employees defined as executive, administrative, or professional may be paid once per month.

This bill would make nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 204 of the Labor Code is amended to
2 read:
3 204. (a) All wages, other than those mentioned in Section 201,
4 201.3, 202, 204.1, or 204.2, earned by any person in any
5 employment are due and payable twice during each calendar month,
6 on days designated in advance by the employer as the regular
7 paydays. Labor performed between the 1st and 15th days, inclusive,
8 of any calendar month shall be paid for between the 16th and the
9 26th day of the month during which the labor was performed, and
10 labor performed between the 16th and the last day, inclusive, of

1 any calendar month, shall be paid for between the 1st and 10th
2 day of the following month. However, salaries of executive,
3 administrative, and professional employees of employers covered
4 by the Fair Labor Standards Act, as set forth pursuant to Section
5 13(a)(1) of the Fair Labor Standards Act, as amended through
6 March 1, 1969, in Part 541 of Title 29 of the Code of Federal
7 Regulations, as that part now reads or may be amended to read at
8 any time hereafter, may be paid once a month on or before the
9 26th day of the month during which the labor was performed if
10 the entire month's salaries, including the unearned portion between
11 the date of payment and the last day of the month, are paid at that
12 time.

13 (b) (1) Notwithstanding any other provision of this section, ~~all~~
14 wages earned for labor in excess of the normal work period shall
15 be paid no later than the payday for the next regular payroll period.

16 (2) An employer is in compliance with the requirements of
17 subdivision (a) of Section 226 relating to total hours worked by
18 the employee, if *the* hours worked in excess of the normal work
19 period during the current pay period are itemized as corrections
20 on the paystub for the next regular pay period. Any corrections set
21 out in a subsequently issued paystub shall state the inclusive dates
22 of the pay period for which the employer is correcting its initial
23 report of hours worked.

24 (c) However, when employees are covered by a collective
25 bargaining agreement that provides different pay arrangements,
26 those arrangements shall apply to the covered employees.

27 (d) The requirements of this section shall be deemed satisfied
28 by the payment of wages for weekly, biweekly, or semimonthly
29 payroll if the wages are paid not more than seven calendar days
30 following the close of the payroll period.